

DECLARATION IN CO-PENDING APPLICATION  
CONTAINING ADDITIONAL SUBJECT MATTER

ATTORNEY'S DOCKET NO.

I, the below named inventor, hereby declare that:  
 My residence, post office address and citizenship are as stated below next to my name;  
 that I verify believe that I am the original, first and sole inventor if only one name is listed at 201 below, or a joint inventor if plural inventors are named below at 201-203, if the invention entitled: DISCRETE POLARIZATION STATE SPECTRO-SCOPIC ELLIPSOMETER, AND METHOD OF CALIBRATION

which is described and claimed in the attached specification;  
 that this application in part discloses and claims subject matter disclosed in my earlier filed pending application.

Serial No. \_\_\_\_\_, filed \_\_\_\_\_; (SEE PAGE 2)

that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application;  
 that as to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application;  
 that the common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and  
 as to applications for patents or inventor's certificate on the common subject matter filed in any country foreign to the United States of America, prior to said earlier application by me or my legal representatives or assigns,

no such applications have been filed, or

such applications have been filed as follows:

## EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS PRIOR TO SAID EARLIER APPLICATION

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
				YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>

## ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO SAID EARLIER APPLICATION

that as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application;  
 that said non-common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; and  
 as to applications for patents or inventor's certificate on the invention filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns,

no such applications have been filed, or

such applications have been filed as follows:

## EARLIEST FOREIGN APPLICATION, IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THIS APPLICATION

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
				YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>

## ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THIS APPLICATION

This Application Claims benefit of;

60/229,755 filed 09/05/00;  
60/229,755 Filed 09/05/2000, and  
60/438,187 Filed 01/07/2003.

This Application is also a Continuation-in-Part of Co-Pending Application:

09/945,962 Filed 09/04/2001, and

therevia of Applications:

09/517,125 Filed 02/29/2000; (now Patent 6,084,674); and of  
09/246,888 filed 02/08/99, (now Patent 6,084,675);

and further of:

09/225,118 (now Patent 6,084,674);  
09/223,822 (now Patent 6,118,537);  
09/232,257 (now Patent 6,141,102);  
09/225,371 (now Patent 6,100,981);  
09/225,076 (now Patent 5,963,325)

which Applications depended from

08/997,311 filed 12/23/97, (now Patent 5,946,098).

Further, via the 09/246,888 Application, this Application is a Continuation-In-Part of:

08/912,211 filed Aug. 15, 1997, (now Patent No. 5,872,630),

which Continued-In-Part from:

08/530,892 filed 09/20/95, (now Patent No. 5,666,201); and

and is also a CIP of

08/618,820 filed 03/20/96, (now Patent No. 5,706,212).

In addition, priority is Claimed from:

09/162,217 filed 09/29/98 via above Applications.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration no.)

JAMES D. WELCH

REG. NO. 31,216

SEND CORRESPONDENCE TO:

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JAMES D. WELCH  
402-391-4448

201	FULL NAME OF INVENTOR	FAMILY NAME JOHS	FIRST GIVEN NAME BLAINE	SECOND GIVEN NAME D.
	RESIDENCE & CITIZENSHIP	CITY LINCOLN	STATE OR FOREIGN COUNTRY NEBRASKA	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 420 W. CHANCELER DR.	CITY LINCOLN	STATE & ZIP CODE/COUNTRY NE 68521
202	FULL NAME OF INVENTOR	FAMILY NAME LIPHARDT	FIRST GIVEN NAME MARTIN	SECOND GIVEN NAME M.
	RESIDENCE & CITIZENSHIP	CITY LINCOLN	STATE OR FOREIGN COUNTRY NEBRASKA	COUNTRY OF CITIZENSHIP GERMAN
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 5901 BRANFORD PLACE	CITY LINCOLN	STATE & ZIP CODE/COUNTRY NE 68512
203	FULL NAME OF INVENTOR	FAMILY NAME HE	FIRST GIVEN NAME PING	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY LINCOLN	STATE OR FOREIGN COUNTRY NEBRASKA	COUNTRY OF CITIZENSHIP PEOP. REP. OF CHINA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 2628 WILDERNESS RIDGE CIR.	CITY LINCOLN	STATE & ZIP CODE/COUNTRY NE 68512
204	FULL NAME OF INVENTOR	FAMILY NAME HALE	FIRST GIVEN NAME JEFFREY	SECOND GIVEN NAME S.
	RESIDENCE & CITIZENSHIP	CITY LINCOLN	STATE OR FOREIGN COUNTRY NEBRASKA	COUNTRY OF CITIZENSHIP U.S.A.
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I have reviewed and understood the content of the application, including the Claims as amended and specifically referred to below.

*Reid Joh* *Mark Tjernat* *7/1/03* *May D. Wle*  
*7/1/03* *7-1-03* *7/1/03*

*Prufse*

STATUS AS A SMALL ENTITY

The undersigned, BLAINE D. JOHS, MARTIN M. LIPHARDT, JEFFREY S. HALE AND PING HE aver that they are the Inventors of the invention titled, "DISCRETE POLARIZATION STATE SPECTROSCOPIC ELLIPSOMETER SYSTEM AND METHOD OF USE", and that they are independent inventors in accordance with Section 1.9(c) of 37 C.F.R., and that they qualify as a Small Entity as defined in Section 1.9(f) of 37 C.F.R.

Blaine D. Johs 7/1/03  
BLAINE D. JOHS DATE

Martin Liphardt 7-1-03  
MARTIN M. LIPHARDT DATE

Jeffrey S. Hale 7/1/03  
JEFFREY S. HALE DATE

Ping He 7/1/03  
PING HE DATE